

AFFIDAVIT OF SERVICE

STATE OF NEW YORK

SOUTHERN COUNTY

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 07 CIV 4082 AND FILED ON MAY 24, 2007

ATTORNEY(S): New York Legal Assistance Group, Caroline Hickey

Terri Casillas

Plaintiff(s)
Petitioners

vs

Richard F. Daines, as Commissioner of the New York State Department of Health, EtAl

Defendant(s)
Respondent(s)

STATE OF NEW YORK: COUNTY OF ALBANY, SS.:

Patricia A. Alfieri, being duly sworn deposes and says deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. That on May 25, 2007 at 4:50pm at Empire State Plaza, Corning Tower, Albany, New York 12242 deponent served the within

Summons in a Civil Case, Complaint/Individual Practices of Magistrate Judge Gabriel W. Gorenstein, Procedures for Electronic Case Filing, and 3rd Amended Instructions For Filing an Electronic Case or Appeal

on: New York state Department of Health, Defendant (herein called recipient) therein named.

INDIVIDUAL

A ☐

By personally delivering to and leaving with said

a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said

Summons in a Civil Case, Complaint/Individual Practices of Magistrate Judge Gabriel W. Gorenstein, Procedures for Electronic Case Filing, and 3rd Amended Instructions For Filing an Electronic Case or Appeal

CORPORATION

B ☒

By delivering to and leaving with Joseph C. Blerman at Empire State Plaza, Corning Tower, Albany, New York and that deponent knew the person so served to be the Principal Attorney, authorized to Accept of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE
AGE PERSONC ☐

By delivering a true copy thereof to and leaving with a person of suitable age and discretion at the said premises being the defendants/respondents [] dwelling place (usual place of abode) [] actual place of business within the State of New York.

AFFIXING
TO DOORD ☐

By affixing a true copy thereof to the door of said premises, the same being the defendant's [] dwelling house (usual place of abode) [] actual place of business within the State of New York.

MAILING TO
RESIDENCE

(use with C or D)

E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's residence at and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within New York State on

MAILING TO
BUSINESS

(use with C or D)

E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business at in an official depository under the exclusive care and custody of the United States Post Office within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant and mailed on

PREVIOUS
ATTEMPTS

(use with D)

F ☐

Deponent had previously attempted to serve the above named defendant/ respondent

Day _____ Date _____ Time _____
Day _____ Date _____ Time _____
Day _____ Date _____ Time _____

Deponent spoke with who stated to deponent that the said defendant(s) lived at the aforementioned address, but did not know defendant's place of employment.

G ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT
DESCRIPTION

(Use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 55 Approximate weight 190 Approximate height 5'10 Sex Male
Color of skin White Color of hair Brown Other

MILITARY
SERVICE☐

Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

NON-
SERVICEH ☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due to the following: [] Not known at address [] Address does not exist [] Evading [] Moved left no forwarding [] Other

WIT. FEES

☐

\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 30th day of May 2007

Deborah A. Bottisti (Bertini)

DEBORAH A. BOTTISTI

NOTARY PUBLIC, State of New York
No 01BO6036756, Qualified in Albany County
Commission Expires February 7, 2010

Patricia A. Alfieri

Patricia A. Alfieri

Attny's File No.

Invoice/Work Order # 0611916